

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 14-4832 (DSD/ HB)

Shirley J. Anderson and Arnold R. Anderson,

Plaintiffs,

v.

**MEMORANDUM IN
SUPPORT OF MOTION FOR
EXTENSION OF TIME**

Medicare Insurance,
New River Medical Center,
Guardian Angels TCU of Elk River, MN,

Defendants.

INTRODUCTION

Defendant “Medicare Insurance” or more appropriately named the Secretary of Health and Human Services or United States of America (“United States”)(collectively the Federal Defendant”) requests an extension of time to and including February 6, 2015 within which to interpose its response to the complaint. Good cause supports this request as conflicts have arisen unexpectedly in the schedule of the undersigned AUSA .

DISCUSSION

This Court is authorized to grant an extension of time to respond to a complaint with or without a motion or notice if the request is made before the response is due. Fed. R. Civ. P. 6 (b)(1). Here, the response is due on Friday, January 30, 2015. See Docket No. 10. This request is made timely.

Good cause exists for the additional time to respond. The Federal Defendant expects to file a motion to dismiss with supporting papers including one or more

declarations. The agency counsel for the HHS was taking the lead on preparing the draft memorandum and declarations. However, the undersigned just received the draft memorandum and a draft declaration by email at 3:00 p.m. on January 28, 2015. Meanwhile, the undersigned has been assigned a subpoena matter to which opposition papers need to be prepared and that may require his attendance in state court in Rochester starting at 1:30 p.m. on Thursday, January 29, 2015. The undersigned has a dispositive motion hearing on Friday, January 30, 2015, beginning at 9:30 a.m. Consequently, it is not likely that the undersigned will be able to review or revise the draft memorandum and declaration until the afternoon of Friday, January 30, 2015, and thus not in time for filing by close of business that day. See Declaration of Friedrich A. P. Siekert.

CONCLUSION

For the foregoing reasons, the Federal Defendant requests that the Court enter an order granting an extension of time to and including February 6, 2015, within which the Federal Defendant has to file its response to the complaint.

SIGNATURE PAGE FOLLOWS

Dated: January 28, 2015

Respectfully submitted,

ANDREW M. LUGER.
United States Attorney

s/ Friedrich A.P. Siekert

BY: FRIEDRICH A. P. SIEKERT
Assistant U.S. Attorney
Attorney ID No. 142013
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600

Attorneys for “Medicare Insurance,” the
Secretary of Health and Human Services,
and the United States of America